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WHPC Publication 1171 / Wash., D.C. 20210

September 1967

AGRICULTURE and the CHILD LABOR Requirements

under the

FAIR LABOR STANDARDS ACT
as amended in 1966



UNIVERSITY OF ILLINOIS

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UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

THIS SUMMARY IS TO HELP FARMERS UNDERSTAND AND COMPLY WITH THE CHILD-LABOR REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT WHICH APPLY IN ALL STATES

1. Are there child-labor requirements of the Fair Labor Standards Act that apply to agriculture?

Yes. The requirements for agriculture are more limited than in other industries. They apply, however, whether the farm is small or large and do not depend on the number of man-days of agricultural labor used, as in the case of the minimum-wage requirements.

They apply generally to farmers whose crops or products go either directly or indirectly into interstate or foreign commerce, as in the case of a farmer who sends his product outside the State or delivers his product to a canner, processor, or dealer who he knows or has reason to believe will send it outside the State, either in its original form or as an ingredient of another product. For example, tomato growers who send their tomatoes to a cannery within the same State are covered if the canned tomato product made from their tomatoes goes out of the State.

2. What employment is permitted under these child-labor requirements?

- Farmers may employ minors 16 years of age and over at anytime in any agricultural occupation.
- No minor under 16 may be employer at anytime in an agricultural occupation declared hazardous by the Secretary of Labor.
- Children under 16 may *not* be employed in agriculture during school hours.

3. What is meant by “during school hours?”

During school hours means the hours when the school for the school district where the child is living while employed is in session.

“School hours for the school district where such employee is living while he is so employed” do not apply in the spring to a child from another school district if the school he last attended has closed for

the school year. However, local school attendance laws may require that these children attend school even if the school they last attended in another district is closed.

4. How can a farmer be sure that the school the child last attended is closed?

A written statement signed by the school official of the school the child last attended would constitute satisfactory evidence. This statement should contain the name of the child, the name and address of the school, the date the school closed for the current year, and the date the statement was signed. Employment before May 15 should be avoided.

5. How old must a child be to work on a farm outside school hours?

A farmer may employ a child at any age *before* and *after* school hours on any school day, or at any time during a school holiday or vacation period, except in occupations declared hazardous by the Secretary of Labor. A 16-year minimum age applies in such occupations at *all* times, i.e., during school hours, before and after school, and during vacations.

6. How can a farmer be sure a minor is at least 16 years of age?

The Act provides that a farmer may protect himself from unintentional violation of the child-labor requirements by having on file an age or employment certificate showing the minor to be the legal age for the occupation in which he is employed. The farmer is not required, however, to obtain this certificate.

7. Where can such a certificate be obtained?

Age and employment certificates issued under State child-labor laws may be obtained in every State except four. These State age and employment certificates are issued usually by local school officials, or a representative of the State labor, welfare, or education department.

In the four States without such systems, the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, issue Federal certificates of age. These may be obtained in the Divisions' offices located in Boise, Idaho; Jackson, Mississippi; Columbia, South Carolina; and in

Dallas, Texas (also in Field Offices located in Texas).

8. Do these child-labor requirements apply to all children?

Yes. These child-labor provisions of the Act apply to the agricultural employment of all children—*migrants* as well as *local resident* children. The only exemption provided is that a parent may employ his own child on his farm without regard for these requirements.

9. Is a farmer in violation of the Fair Labor Standards Act if the underage children working on his farm were not hired by him personally?

A farmer is responsible for every underage child working on his farm. This includes children hired either individually or as a part of a family group by labor contractors, processors, or others.

10. What records must be kept by farmers for minors working on their farms?

Every employer (other than a parent or guardian standing in place of a parent employing his own child or a child in his custody on his farm) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an agricultural occupation found to be hazardous by the Secretary of Labor shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(1) Name in full.

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(3) Date of birth.

It is not necessary that records be maintained in any particular order or form. They must be kept in a safe and accessible place and be open at anytime to inspection and transcription by authorized representatives of the Secretary of Labor. These records must be preserved for at least 3 years.

If a minor is subject to the minimum wage requirements of the Act, additional records showing his pay and hours of work are required.

11. Are minors subject to a minimum wage?

The 1966 Amendments to the Fair Labor Standards Act extended minimum-wage protection to certain farm employees, including minors, whose employer in any calendar quarter of the preceding calendar year used more than 500 man-days of agricultural labor. Such employees, unless otherwise exempt, must be paid at least \$1.00 an hour beginning February 1, 1967; \$1.15 an hour beginning February 1, 1968; and \$1.30 an hour beginning February 1, 1969. There is an exemption for migrant hand harvest laborers 16 years of age or under employed on the same farm as their parents, if (a) they are paid piece rates in an operation generally recognized as piecework in the region, and (b) the piece rate is the same as paid workers over age 16. Employment of such minors is subject to the prohibitions against employment in hazardous occupations or during school hours. The overtime provisions of the law do not apply to farmworkers. Further information may be obtained from the Divisions' nearest office.

12. What are the penalties for violation of the child-labor requirements of the Fair Labor Standards Act?

The Secretary of Labor may ask a Federal district court to restrain future violations of the child-labor requirements of the Act by injunction. The Act provides, in case of willful violation, a fine up to \$10,000. For a second offense, committed after conviction for a similar offense, a fine of not more than \$10,000 or imprisonment of not more than 6 months, or both, may be imposed.

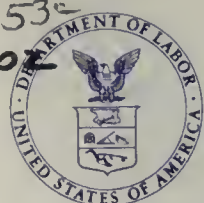
13. What other Federal laws affect the employment of children in agriculture?

The Sugar Act of 1948 contains certain provisions with which producers engaged in the production and harvesting of sugar beets or sugarcane must comply to obtain maximum benefit payments. These provisions include a minimum age of 14 years for employment and a maximum 8-hour day for children between 14 and 16 years of age. Members of the immediate family of the legal owner of at least 40 percent of the crop at the time the work is performed are exempted from these provisions. The 16-year minimum age set by the Fair Labor Standards Act would, however, apply to children who work on sugar beets or sugarcane during school hours unless they are the farmer's own children.

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Sketch of a photo by Harvey Richards courtesy National Committee on Employment of Youth.

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January 1968

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UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

THE LIBRARY OF THE
UNIVERSITY OF ILLINOIS

JUN 10 1968

UNIVERSITY OF ILLINOIS

Child Labor Bulletin No. 102 (Revised)

This pamphlet contains general information about the provisions of the Fair Labor Standards Act applying to minors employed in agriculture and is not to be considered in the same light as official statements of position formally adopted and published in the Federal Register.

General information on Hired Farm Workers under the Fair Labor Standards Act is available in WHPC Publication 1161.

Compliance with this law does not excuse noncompliance with State or local laws.

CHILD LABOR REQUIREMENTS IN AGRICULTURE UNDER THE FAIR LABOR STANDARDS ACT WHICH APPLY IN ALL STATES

1. Are there child-labor requirements of the Fair Labor Standards Act that apply to agriculture?

Yes. The requirements for agriculture are more limited than in other industries. They apply, however, whether the farm is small or large and do not depend on the number of man-days of agricultural labor used, as in the case of the minimum-wage requirements.

They apply generally to farmers whose crops or products go either directly or indirectly into interstate or foreign commerce, as in the case of a farmer who sends his product outside the State or delivers his product to a canner, processor, or dealer who he knows or has reason to believe will send it outside the State, either in its original form or as an ingredient of another product. For example, tomato growers who send their tomatoes to a cannery within the same State are covered if the canned tomato product made from their tomatoes goes out of the State.

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- No minor under 16 may be employed at anytime in an agricultural occupation declared hazardous by the Secretary of Labor, except on the home farm by his own parents.
- Children under 16 may *not* be employed in agriculture during school hours, except by parents on the home farm.

3. What is meant by “during school hours?”

During school hours means the hours when the school for the school district where the child is living while employed is in session. (This means that, if school is open in the place where a crew leader takes his workers, the children may not work during the hours the school is open.)

Children should be enrolled in the local school in the fall as soon as it opens even though the family is going to another area later or back home.

“School hours for the school district where such employee is living while he is so employed” do not apply in the spring to a child from another school district if the school he last attended has closed for the school year; however, local school attendance laws may require that these children attend school even if the school they last attended in another district is closed.

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A written statement signed by the school official of the school the child last attended would constitute satisfactory evidence. This statement should contain the name of the child, the name and address of the school, the date the school closed for the current year, and the date the statement was signed. Employment before May 15 should be avoided. Crew leaders should remind parents to bring this school statement with them.

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6. What are the agricultural hazardous occupations?

Occupations in Agriculture particularly hazardous for the employment of children below the age of 16 are:

(1) Handling or applying anhydrous ammonia, organic arsenic herbicides, organic phosphate pesticides, halogenated hydrocarbon pesticides, or heavy-metal fungicides, including cleaning or decontamination equipment used in application or mixing of such chemicals.

(2) Handling or using a blasting agent. For the purpose of this subparagraph, the term “blasting

agent'' shall include explosives such as, but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord.

(3) Serving as flagman for aircraft.

(4) Working as -

(i) Driver of a truck or automobile on a public road or highway.

(ii) Driver of a bus.

(5) Operating, driving, or riding on a tractor (track or wheel) over 20 belt horsepower, or attaching or detaching an implement or power-take-off unit to or from such tractor while the motor is running.

(6) Operating or riding on a self-unloading bunk feeder wagon, a self-unloading bunk feeder trailer, a self-unloading forage box wagon, a self-unloading forage box trailer, a self-unloading auger wagon, or a self-unloading auger trailer.

(7) Operating or riding on a dump wagon, hoist wagon, fork lift, rotary lift, rotary tiller (except walking type), or power-driven earthmoving equipment or power-driven trenching equipment.

(8) Operating or unclogging a power-driven combine, field baler, hay conditioner, corn picker, forage harvester, or vegetable harvester.

(9) Operating, feeding, or unclogging any of the following machines when power-driven: Stationary baler, thresher, huller, feed grinder, chopper, silo filler, or crop dryer.

(10) Feeding materials into or unclogging a roughage blower or auger conveyor.

(11) Operating a power-driven post-hole digger or power-driven post driver.

(12) Operating, adjusting, or cleaning a power-driven saw.

(13) Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches.

(14) Working from a ladder or scaffold at a height over 20 feet.

(15) Working inside a gas-tight type fruit enclosure, gas-tight type grain enclosure or gas-tight type forage enclosure, or inside a silo when a top unloading device is in operating position.

(16) Working in a yard, pen, or stall occupied by a dairy bull, boar, or stud horse.

Exceptions:

(A) These standards do not apply to the employment of a minor under 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(B) Student-learners under 16 enrolled in a bona fide cooperative vocational education training program in agriculture are exempt from the provisions of this Interim Order provided the following requirements are met:

(1) Such student-learner is employed under a written agreement which provides:

(i) that the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) that such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) that safety instructions shall be given by the school and correlated by the employer with on-the-job training and;

(iv) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

(C) Any educational or training program for which an exclusion has been obtained from the Secretary of Labor.

7. What are some of the jobs still permitted on farms under the agricultural hazardous order?

Examples of some of the permitted jobs are:
Handling many chemical pesticides and fertilizers;

Driving a truck or automobile on the farm proper and helpers on motor vehicles;

Loading and unloading trucks;

Operating garden-type tractors;

Picking vegetables and berries, and placing them on conveyors or in containers;

Clearing brush and harvesting trees up to 6 inches in butt diameter;

Working from ladders at heights less than 20 feet, such as picking of most fruits;

Hand planting and cultivation;

Raising and caring for poultry;

Milking cows;

Processing and storing milk and dairy products;

Detasseling corn;

Cleaning barns, equipment storage buildings, chicken coops, etc.;

Mowing lawns;

Riding, driving or exercising horses;

Picking cotton;

Handling of irrigation pipes;

Harvesting curing and storing tobacco;

Riding on transplanters.

8. How can a farmer or crew leader be sure a minor is at least 16 years of age?

The Act provides that a farmer or crew leader may protect himself from unintentional violation of the child-labor requirements by having on file an age or employment certificate showing the minor to be the legal age for the occupation in which he is employed. He is not required, however, to obtain this certificate. Families should bring with them some evidence of date of birth for their children—either a birth certificate or baptismal certificate.

9. Where can such a certificate be obtained?

Age and employment certificates issued under State child-labor laws may be obtained in every State except four. These State age and employment certificates are issued usually by local school officials, or a representative of the State labor, welfare, or education department.

In the four States without such systems, the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, issue Federal certificates of age. These may be obtained in the Divisions' offices located in Boise, Idaho; Jackson, Mississippi; Columbia, South Carolina; and in

Dallas, Texas (also in Field Offices located in Texas).

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Yes. These child-labor provisions of the Act apply to the agricultural employment of all children—*migrants* as well as *local resident* children. The only exemption provided is that a parent may employ his own child on his farm without regard for these requirements.

11. Is a farmer in violation of the Fair Labor Standards Act if the underage children working on his farm were not hired by him personally?

Both the farmer and the crew leader may be held responsible for every underage child working on a farm. This includes children hired either individually or as a part of a family group by labor contractors, processors, or others.

12. What records must be kept by farmers and crew leaders for minors working on farms?

Every employer (other than a parent or guardian standing in place of a parent employing his own child or a child in his custody on his farm) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an agricultural occupation found to be hazardous by the Secretary of Labor shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

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The above requirements do not apply to children employed by their own parents on the home farm.

14. What are the penalties for violation of the child-labor requirements of the Fair Labor Standards Act?

The Secretary of Labor may ask a Federal district court to restrain future violations of the child-labor requirements of the Act by injunction. The Act provides, in case of willful violation, a fine up to \$10,000. For a second offense, committed after conviction for a similar offense, a fine of not more than \$10,000 or imprisonment of not more than 6 months, or both, may be imposed.

15. What other Federal laws affect the employment of children in agriculture?

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ADDITIONAL INFORMATION

Inquiries about the Age Discrimination in Employment Act of 1967 will be answered by mail, telephone, or personal interview at any office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing. These offices also supply publications free of charge.

Offices listed in *Italics* are staffed by investigation personnel whose duties frequently require them to be away from the office. Telephone messages and requests for information may be left at these offices when regular personnel are not on duty. Personal appointments may be arranged by either telephone or mail.

Alabama: *Andalusia, Anniston, Birmingham, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, Opelika, Selma, Tuscaloosa*

Alaska: *Anchorage*

Arizona: *Phoenix, Tucson*

Arkansas: *El Dorado, Fayetteville, Fort Smith, Hope, Jonesboro, Little Rock, Pine Bluff*

California: *Bakersfield, Fresno, Hollywood, Long Beach, Los Angeles, Modesto, Monterey, Oakland, Redding, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Mateo, Santa Ana, Santa Rosa, Stockton, West Covina, Whittier*

Colorado: *Denver, Pueblo*

Connecticut: *Bridgeport, Hartford, New Haven, New London*

Delaware: *Wilmington*

District of Columbia: *College Park*

Florida: *Clearwater, Cocoa, Fort Lauderdale, Fort Myers, Jacksonville, Lakeland, Leesburg, Miami, North Miami, Orlando, Pensacola, St. Petersburg, Tampa, West Palm Beach*

Georgia: *Albany, Athens, Atlanta, Augusta, Columbus, Gainesville, Hapeville, Macon, Rome, Savannah, Thomasville, Valdosta*

Hawaii: *Honolulu*

Idaho: *Boise*

Illinois: *Chicago, Springfield*

Indiana: *Evansville, Indianapolis, South Bend*

Iowa: *Burlington, Cedar Rapids, Davenport, Des Moines, Fort Dodge, Mason City, Sioux City, Waterloo*

Kansas: *Pittsburg, Salina, Topeka, Wichita*

Kentucky: *Ashland, Lexington, Louisville, Middlesboro, Pikeville*

Louisiana: *Alexandria, Baton Rouge, Hammond, Houma, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport*

Maine: *Portland*

Maryland: *Baltimore, College Park, Hagerstown, Salisbury*

Massachusetts: Boston, *Lowell*, Springfield, Worcester
 Michigan: Detroit, Grand Rapids, *Lansing*
 Minnesota: Minneapolis
 Mississippi: *Biloxi*, Columbus, *Clarksdale*, *Greenwood*, *Hattiesburg*, Jackson, *Tupelo*
 Missouri: *Cape Girardeau*, *Columbia*, *Joplin*, Kansas City, *St. Joseph*, St. Louis, *Springfield*
 Montana: *Great Falls*
 Nebraska: *Grand Island*, Lincoln, Omaha
 Nevada: *Reno*
 New Hampshire: Manchester, *Laconia*
 New Jersey: *Camden*, Newark, Paterson, Trenton
 New Mexico: Albuquerque, *Las Cruces*, *Roswell*
 New York: *Albany*, Bronx, Brooklyn, Buffalo, Hempstead, New York, *Rochester*, Syracuse
 North Carolina: *Asheville*, Charlotte, *Durham*, *Fayetteville*, *Goldsboro*, Greensboro, *Hickory*, *High Point*, Raleigh, *Wilmington*, *Winston-Salem*
 North Dakota: *Bismarck*,
 Ohio: Cincinnati, Cleveland, Columbus
 Oklahoma: *Ardmore*, *Enid*, *Lawton*, *Muskogee*, *Oklahoma City*, *Tulsa*
 Oregon: *Eugene*, *Medford*, Portland, *Selma*
 Pennsylvania: *Allentown*, *Altoona*, *Chester*, *DuBois*, *Erie*, *Greensburg*, Harrisburg, *Indiana*, *Johnstown*, *Lancaster*, *Lewistown*, *McKeesport*, *New Castle*, Philadelphia, Pittsburgh, *Reading*, *Scranton*, *Uniontown*, *Washington*, *Wilkes-Barre*
 Rhode Island: Providence
 South Carolina: *Charleston*, *Columbia*, *Florence*, *Greenville*, *Spartanburg*
 South Dakota: *Aberdeen*, *Rapid City*, *Sioux Falls*
 Tennessee: *Bristol*, *Chattanooga*, *Columbia*, *Jackson*, *Johnson City*, *Knoxville*, Memphis, Nashville
 Texas: *Abilene*, *Amarillo*, *Austin*, *Beaumont*, *Corpus Christi*, Dallas, El Paso, Fort Worth, *Galveston*, *Harlingen*, Houston, *Laredo*, *Longview*, *Lubbock*, *Lufkin*, *Midland*, *Odessa*, *Paris*, San Antonio, *Texarkana*, *Tyler*, *Victoria*, Waco, *Wichita Falls*
 Utah: *Ogden*, Salt Lake City
 Vermont: *Burlington*, *Montpelier*
 Virginia: *Alexandria*, *Norfolk*, Richmond, Roanoke, *Waynesboro*
 Washington: Seattle, *Spokane*, *Tacoma*
 West Virginia: *Bluefield*, *Charleston*, *Clarksburg*, *Huntington*, *Logan*
 Wisconsin: Madison, Milwaukee, *Oshkosh*
 Wyoming: *Casper*, *Cheyenne*
 Puerto Rico: *Arecibo*, *Caguas*, Hato Rey, Mayaguez, *Ponce*, Santurce
 Canal Zone, Virgin Islands: Santurce, Puerto Rico
 American Samoa, Eniwetok Atoll, Guam, Johnston Island, Kwajalein Atoll, Wake Island: Honolulu, Hawaii

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1. Are there child-labor requirements of the Fair Labor Standards Act that apply to agriculture?

Yes. The requirements for agriculture are more limited than in other industries. They apply, however, whether the farm is small or large and do not depend on the number of man-days of agricultural labor used, as in the case of the minimum-wage requirements.

They apply generally to farmers whose crops or products go either directly or indirectly into interstate or foreign commerce, as in the case of a farmer who sends his product outside the State or delivers his product to a canner, processor, or dealer who he knows or has reason to believe will send it outside the State, either in its original form or as an ingredient of another product. For example, tomato growers who send their tomatoes to a cannery within the same State are covered if the canned tomato product made from their tomatoes goes out of the State.

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- Children under 16 may *not* be employed in agriculture during school hours, except by parents on the home farm.

3. What is meant by "during school hours?"

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5. How old must a child be to work on a farm outside school hours?

A child may be employed at any age *before* and *after* school hours on any school day, or at any time during a school holiday or vacation period, except in occupations declared hazardous by the Secretary of Labor. A 16-year minimum age applies in such occupations at *all* times; i.e., during school hours, before and after school, and during vacations.

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Exceptions:

(A) These standards do not apply to the employment of a minor under 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(B) Student-learners under 16 enrolled in a bona fide cooperative vocational education training program in agriculture are exempt from the provisions of this Interim Order provided the following requirements are met:

(1) Such student-learner is employed under a written agreement which provides:

(i) that the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) that such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) that safety instructions shall be given by the school and correlated by the employer with on-the-job training and;

(iv) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

(C) Any educational or training program for which an exclusion has been obtained from the Secretary of Labor.

7. What are some of the jobs still permitted on farms under the agricultural hazardous order?

Examples of some of the permitted jobs are: Handling many chemical pesticides and fertilizers;

Driving a truck or automobile on the farm proper and helpers on motor vehicles;

Loading and unloading trucks;

Operating garden-type tractors;

Picking vegetables and berries, and placing them on conveyors or in containers;

Clearing brush and harvesting trees up to 6 inches in butt diameter;

Working from ladders at heights less than 20 feet, such as picking of most fruits;

Hand planting and cultivation;

Raising and caring for poultry;

Milking cows;

Processing and storing milk and dairy products;

Detasseling corn;

Cleaning barns, equipment storage buildings, chicken coops, etc.;

Mowing lawns;

Riding, driving or exercising horses;

Picking cotton;

Handling of irrigation pipes;

Harvesting curing and storing tobacco;

Riding on transplanter.

8. How can a farmer or crew leader be sure a minor is at least 16 years of age?

The Act provides that a farmer or crew leader may protect himself from unintentional violation of the child-labor requirements by having on file an age or employment certificate showing the minor to be the legal age for the occupation in which he is employed. He is not required, however, to obtain this certificate. Families should bring with them some evidence of date of birth for their children—either a birth certificate or baptismal certificate.

9. Where can such a certificate be obtained?

Age and employment certificates issued under State child-labor laws may be obtained in every State except four. These State age and employment certificates are issued usually by local school officials, or a representative of the State labor, welfare, or education department.

In the four States without such systems, the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, issue Federal certificates of age. These may be obtained in the Divisions' offices located in Boise, Idaho; Jackson, Mississippi; Columbia, South Carolina; and in

Dallas, Texas (also in Field Offices located in Texas).

10. Do these child-labor requirements apply to all children?

Yes. These child-labor provisions of the Act apply to the agricultural employment of all children—*migrants* as well as *local resident* children. The only exemption provided is that a parent may employ his own child on his farm without regard for these requirements.

11. Is a farmer in violation of the Fair Labor Standards Act if the underage children working on his farm were not hired by him personally?

Both the farmer and the crew leader may be held responsible for every underage child working on a farm. This includes children hired either individually or as a part of a family group by labor contractors, processors, or others.

12. What records must be kept by farmers and crew leaders for minors working on farms?

Every employer (other than a parent or guardian standing in place of a parent employing his own child or a child in his custody on his farm) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an agricultural occupation found to be hazardous by the Secretary of Labor shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(1) Name in full.

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(3) Date of birth.

It is not necessary that records be maintained in any particular order or form. They must be kept in a safe and accessible place and be open at anytime to inspection and transcription by authorized representatives of the Secretary of Labor. These records must be preserved for at least 3 years.

If a minor is subject to the minimum wage requirements of the Act, additional records showing his pay and hours of work are required.

13. Are minors subject to a minimum wage?

The 1966 Amendments to the Fair Labor Standards Act extended minimum-wage protection to certain farm employees, including minors, whose employer in any calendar quarter of the preceding calendar year used more than 500 man-days of agricultural labor. Such employees, unless otherwise exempt, must be paid at least \$1.00 an hour beginning February 1, 1967; \$1.15 an hour beginning February 1, 1968; and \$1.30 an hour beginning February 1, 1969. There is an exemption for migrant hand harvest laborers 16 years of age or under employed on the same farm as their parents, if (a) they are paid piece rates in an operation generally recognized as piecework in the region, and (b) the piece rate is the same as paid workers over age 16. Employment of such minors is subject to the prohibitions against employment in hazardous occupations or during school hours. The overtime provisions of the law do not apply to farmworkers. Further information may be obtained from the Divisions' nearest offices.

The above requirements do not apply to children employed by their own parents on the home farm.

14. What are the penalties for violation of the child-labor requirements of the Fair Labor Standards Act?

The Secretary of Labor may ask a Federal district court to restrain future violations of the child-labor requirements of the Act by injunction. The Act provides, in case of willful violation, a fine up to \$10,000. For a second offense, committed after conviction for a similar offense, a fine of not more than \$10,000 or imprisonment of not more than 6 months, or both, may be imposed.

15. What other Federal laws affect the employment of children in agriculture?

The Sugar Act of 1948 contains certain provisions with which producers engaged in the production and harvesting of sugar beets or sugarcane must comply to obtain maximum benefit payments. These provisions include a minimum age of 14 years for employment and a maximum 8-hour day for children between 14 and 16 years of age. Members of the immediate family of the legal owner of at least 40 percent of the crop at the time the work is performed are exempted from these provisions. The 16-year minimum age set by the Fair Labor Standards Act would, however, apply to children who work on sugar beets or sugarcane during school hours unless they are the farmer's own children.

ADDITIONAL INFORMATION

Inquiries about the Fair Labor Standards Act will be answered by mail, telephone, or personal interview at any office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing. These offices also supply publications free of charge.

Offices listed in *Italics* are staffed by investigation personnel whose duties frequently require them to be away from the office. Telephone messages and requests for information may be left at these offices when regular personnel are not on duty. Personal appointments may be arranged by either telephone or mail.

Alabama: *Anniston, Birmingham, Dothan, Florence, Huntsville, Mobile, Montgomery, Opelika, Selma, Tuscaloosa*

Alaska: *Anchorage*

Arizona: *Phoenix, Tucson*

Arkansas: *El Dorado, Fayetteville, Fort Smith, Hope, Little Rock, Pine Bluff*

California: *Bakersfield, Fresno, Hollywood, Long Beach, Los Angeles, Modesto, Monterey, Oakland, Redding, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Mateo, Santa Ana, Santa Rosa, Stockton, West Covina, Whittier*

Colorado: *Denver, Pueblo*

Connecticut: *Bridgeport, Hartford, New Haven, New London*

Delaware: *Wilmington*

District of Columbia: *College Park*

Florida: *Clearwater, Cocoa, Fort Lauderdale, Fort Myers, Jacksonville, Lakeland, Leesburg, Miami, North Miami, Orlando, Ormond Beach, Panama City, Pensacola, St. Petersburg, Tampa, West Palm Beach*

Georgia: *Albany, Athens, Atlanta, Augusta, Brunswick, Columbus, Gainesville, Hapeville, Macon, Rome, Savannah, Thomasville, Valdosta*

Hawaii: *Honolulu*

Idaho: *Boise*

Illinois: *Chicago, Springfield*

Indiana: *Evansville, Indianapolis, South Bend*

Iowa: *Burlington, Cedar Rapids, Davenport, Des Moines, Fort Dodge, Mason City, Sioux City, Waterloo*

Kansas: *Great Bend, Pittsburg, Salina, Topeka, Wichita*

Kentucky: *Ashland, Lexington, Louisville, Middlesboro, Pikeville*

Louisiana: *Alexandria, Baton Rouge, Hammond, Houma, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport*

Maine: *Portland*

Maryland: *Baltimore, College Park, Hagerstown, Salisbury*

Massachusetts: Boston, *Lowell*, Springfield, *Worcester*
 Michigan: Detroit, Grand Rapids, *Lansing*
 Minnesota: Minneapolis
 Mississippi: *Columbus*, *Clarksdale*, *Greenville*, *Greenwood*,
Hattiesburg, Jackson, *Maridian*, *Tupelo*
 Missouri: *Cape Girardeau*, *Columbia*, *Joplin*, Kansas City,
St. Joseph, St. Louis, *Springfield*
 Montana: *Great Falls*
 Nebraska: *Grand Island*, *Lincoln*, Omaha
 Nevada: *Reno*
 New Hampshire: Manchester, *Laconia*
 New Jersey: *Camden*, Newark, Paterson, Trenton
 New Mexico: Albuquerque, *Las Cruces*, *Roswell*
 New York: *Albany*, Bronx, Brooklyn, Buffalo, Hempstead,
 New York, *Rochester*, Syracuse
 North Carolina: *Asheville*, Charlotte, *Durham*, *Fayetteville*,
Goldsboro, Greensboro, *Hickory*, *High Point*, *Ra-*
leigh, *Wilmington*, *Winston-Salem*
 North Dakota: *Bismarck*
 Ohio: Cincinnati, Cleveland, Columbus
 Oklahoma: *Ardmore*, *Enid*, *Lawton*, *Muskogee*, Oklahoma
 City, Tulsa
 Oregon: *Eugene*, *Medford*, Portland, *Salem*
 Pennsylvania: *Allentown*, *Altoona*, *Chester*, *DuBois*, *Erie*,
Greensburg, Harrisburg, *Hazleton*, *Indiana*, *Johnstown*,
Lancaster, *Lewistown*, *McKeesport*, *New Castle*, Philadelphia,
 Pittsburgh, *Reading*, *Scranton*, *Uniontown*, *Wash-*
ington, *Wilkes-Barre*
 Rhode Island: Providence
 South Carolina: *Charleston*, Columbia, *Florence*, *Greenville*,
Spartanburg
 South Dakota: *Aberdeen*, *Rapid City*, Sioux Falls
 Tennessee: *Bristol*, *Chattanooga*, *Columbia*, Jackson, *Johnson*
 City, Knoxville, Memphis, Nashville
 Texas: *Abilene*, *Amarillo*, *Austin*, *Beaumont*, Corpus Christi,
 Dallas, El Paso, Fort Worth, *Galveston*, *Harlingen*, Hous-
 ton, *Laredo*, *Longview*, *Lubbock*, *Lufkin*, Midland, *Odessa*,
Paris, San Antonio, *Texarkana*, *Tyler*, *Victoria*, Waco,
Wichita Falls
 Utah: *Ogden*, Salt Lake City
 Vermont: *Burlington*, *Montpelier*
 Virginia: *Alexandria*, *Norfolk*, Richmond, Roanoke,
Waynesboro
 Washington: Seattle, *Spokane*, *Tacoma*
 West Virginia: *Bluefield*, Charleston, *Clarksburg*, *Hunting-*
ton, Logan
 Wisconsin: Madison, Milwaukee, *Oshkosh*
 Wyoming: *Casper*, *Cheyenne*
 Puerto Rico: *Arecibo*, *Caguas*, Hato Rey, Mayaguez, *Ponce*,
 Santurce
 Canal Zone, Virgin Islands: Santurce, Puerto Rico
 American Samoa, Eniwetok Atoll, Guam, Johnston Island,
 Kwajalein Atoll, Wake Island: Honolulu, Hawaii

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WHAT FARMERS WHO HIRE WORKERS
SHOULD KNOW ABOUT THE

Child-Labor Requirements

OF THE FEDERAL FAIR LABOR STANDARDS ACT

Child-Labor Bulletin No. 102
Revised July 1955



UNITED STATES
DEPARTMENT OF LABOR

James P. Mitchell
Secretary

Wage and Hour and
Public Contracts Divisions

Newell Brown
Administrator



This Summary Is To Help Farmers Understand and Comply With the Child-Labor Requirements of the Federal Fair Labor Standards Act Which Apply in All States

1. Do the child-labor requirements of the Fair Labor Standards Act apply to agriculture?

Yes. They apply generally to **farmers whose crops or products go either directly or indirectly into interstate or foreign commerce**, as in the case of a farmer who sends his product outside the State or delivers his product to a canner, processor, or dealer who he knows or has reason to believe will send it outside the State, either in its original form or as an ingredient of another product. For example, tomato growers who send their tomatoes to a cannery within the same State are covered if the canned tomato product made from their tomatoes goes out of the State.

2. What are these requirements?

Farmers may not employ **children under 16** years of age in agriculture during **school hours**.

Farmers must also keep certain records required by regulations under the act regarding the minors they employ.

These requirements apply to the employment of migratory children as well as local resident children, but not to the employment of a farmer's own children by the farmer on his farm.

3. What is meant by "during school hours"?

During school hours means the hours when the school for the school district where the child is living while employed is in session.

4. How old must a child be to work on a farm outside school hours?

This act sets **no** minimum age for employment in agriculture **before** or **after** school hours on any school day, or at any time on school holidays, and during school vacations.

5. How can a farmer be sure that the young person he intends to hire during school hours is at least 16 years of age?

A certificate of age, while not required, will protect the farmer if it shows the young person to be at least 16 years of age, and if it has been issued by the U. S. Department of Labor or an accepted State system.

6. Where can such a certificate be obtained?

In most States the farmer **should have the young person apply for a certificate** to the official who issues employment and age certificates under the State child labor laws. This is usually a local school official, but in some States it is a representative of the State labor, welfare, or education department.

In Idaho, Mississippi, South Carolina, and Texas where there is no accepted State system in force, application should be made for a Federal certificate of age to the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor. (See last page for list of offices.)

7. May a farmer's own children help him do agricultural work during school hours insofar as this law is concerned?

Yes, if they are not in fact employed by someone else. However, the school attendance laws in most States require children under 16 to attend school.

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8. **What records must be kept by farmers for minors working on their farms?**

Every farmer employing minors in agriculture (other than a parent or a person standing in the place of a parent employing his own child or a child in his custody) must keep records containing the following items for every such minor under 18 years of age who works on any day when school is in session for the school district where the minor is living while so employed:

(a) Name in full.

(b) Place where minor lives while employed. If minor's permanent home address is different, give both addresses.

(c) Date of birth.

It is not necessary that records be maintained in any particular order or form. They must be kept in a safe and accessible place and be open at any time to inspection and transcription by authorized representatives of the Secretary of Labor. These records must be preserved for at least three years.

9. **Is a farmer in violation of the Federal law if the under-age children working on his farm were not hired by him personally?**

A farmer **is responsible** for **every** under-age child working on his farm. This includes children hired either individually or as a part of a family group by labor contractors, processors, or others.

10. **What are the penalties for violation of the child-labor requirements of the Fair Labor Standards Act?**

The act provides, in case of willful violation, a fine up to \$10,000. For a second offense, committed after conviction for a similar offense, a fine of not more than \$10,000 or imprisonment of not more than 6 months, or both, may be imposed. The Secretary of Labor may ask a Federal district court to restrain future violations of the child-labor requirements of the act by injunction.

11. **What other Federal laws affect the employment of children in agriculture?**

The Sugar Act of 1948 contains certain provisions with which producers engaged in the production and harvesting of sugar beets or sugar cane must comply to obtain maximum benefit payments. These provisions include a minimum age of 14 years for employment and a maximum 8-hour day for children between 14 and 16 years of age. Members of the immediate family of the legal owner of at least 40 percent of the crop at the time the work is performed are exempted from these provisions. The 16-year minimum age set by the Fair Labor Standards Act would, however, apply to children who work on sugar beets or sugar cane during school hours unless they are the farmer's own children.

WHERE TO OBTAIN FURTHER INFORMATION

Further information may be obtained from the Wage and Hour and Public Contracts Divisions of the U. S. Department of Labor which enforce the Fair Labor Standards Act.

Offices of the Division are located in:

REGION I—(*Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*)

Regional Office: Boston, Mass.

Field Offices: Hartford, Conn.
Portland, Maine.
Providence, R. I.

REGION II—(*New Jersey, New York*)

Regional Office: New York, N. Y.

Field Offices: Newark, N. J.
Brooklyn, N. Y.
Buffalo, N. Y.
Jamaica, N. Y.

REGION III—(*Delaware, Maryland, Pennsylvania*)

Regional Office: Philadelphia, Pa.

Field Offices: Baltimore, Md.
Pittsburgh, Pa.

REGION IV—(*Alabama, Florida, Georgia, Mississippi, South Carolina*)

Regional Office: Birmingham, Ala.

Field Offices: Jacksonville, Fla.
Atlanta, Ga.
Jackson, Miss.
Columbia, S. C.

REGION V—(*Michigan, Ohio*)

Regional Office: Cleveland, Ohio.

Field Offices: Detroit, Mich.
Cincinnati, Ohio

REGION VI—(*Illinois, Indiana, Minnesota, Wisconsin*)

Regional Office: Chicago, Ill.

Field Offices: Indianapolis, Ind.
Minneapolis, Minn.
Milwaukee, Wis.

REGION VII—(*Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming*)

Regional Office: Kansas City, Mo.

Field Offices: Denver, Colo.
Des Moines, Iowa.
St. Louis, Mo.
Omaha, Nebr.

REGION VIII—(*Arkansas, Louisiana, New Mexico, Oklahoma, Texas*)

Regional Office: Dallas, Tex.

Field Offices: Little Rock, Ark.
New Orleans, La.
Albuquerque, N. Mex.
Oklahoma City, Okla.
Houston, Tex.

REGION IX—(*Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington*)

Regional Office: San Francisco, Calif.

Field Offices: Los Angeles, Calif.
Portland, Oreg.
Seattle, Wash.

REGION X—(*Kentucky, Tennessee, Virginia, West Virginia*)

Regional Office: Nashville, Tenn.

Field Offices: Louisville, Ky.
Richmond, Va.
Charleston, W. Va.

COOPERATING STATE AGENCY—(*North Carolina*)

North Carolina Department of Labor, Raleigh, N. C.

Alaska: Juneau.

Hawaii: Honolulu.

Puerto Rico: Santurce.

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Agriculture

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CHILD LABOR

Requirements of the FAIR LABOR STANDARDS ACT

Child Labor Bulletin No. 102



U.S. DEPARTMENT OF LABOR

W. Willard Wirtz, *Secretary*

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

Clarence T. Lundquist, *Administrator*

WHPC Publication 1093
Printed April 1966

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2. What are these requirements?

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Farmers must also keep certain records required by regulations under the act regarding the minors they employ.

These requirements apply to the employment of migratory children as well as local resident children, but not to the employment of a farmer's own children by the farmer on his farm.

3. What is meant by "during school hours"?

During school hours means the hours when the school for the school district where the child is living while employed is in session.

"School hours for the school district where such employee is living while he is so employed" do not apply in the spring to a child from another school district if the school he last attended has closed for the school year. However, local school attendance laws may require that these children attend school even if the school they last attended in another district is closed.

4. How can a farmer be sure that the school the child last attended is closed?

A written statement signed by the school official of the school the child last attended would constitute satisfactory evidence. This statement should contain the name of the child, the name and address of the school, the date the school closed for the current year and the date the statement was signed. Employment before May 15 should be avoided.

5. How old must a child be to work on a farm outside school hours?

This act sets **no** minimum age for employment in agriculture **before** or **after** school hours on any school day, or at any time on school holidays, and during school vacations.

6. How can a farmer be sure that the young person he intends to hire during school hours is at least 16 years of age?

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In Idaho, Mississippi, South Carolina, and Texas where there is no accepted State system in force, application should be made for a Federal certificate of age to the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor. (See last page for list of offices.)

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WHERE TO OBTAIN FURTHER INFORMATION

Further information may be obtained from the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor which enforce the Fair Labor Standards Act.

Offices of the Division are located in:

STATE	REGIONAL OFFICE	FIELD OFFICE	STATE	REGIONAL OFFICE	FIELD OFFICE
Alabama	Birmingham	Birmingham, Mobile, Montgomery	Nebraska	Kansas City, Mo.	Omaha
Alaska	San Francisco, Calif.	Anchorage*	Nevada	San Francisco, Calif.	Oakland, Calif.
Arizona	San Francisco, Calif.	Salt Lake City, Utah	New Hampshire	Boston, Mass.	Manchester
Arkansas	Birmingham, Ala.	Little Rock	New Jersey	New York, N.Y.	Newark, Paterson, Trenton
California	San Francisco	Hollywood, Long Beach, Los Angeles, Oak- land, Sacra- mento, San Francisco, Whittier	New Mexico	Dallas, Tex.	Albuquerque
Colorado	Kansas City, Mo.	Denver	New York	New York	Bronx, Brooklyn, Buffalo, Hemp- stead, New York, Syracuse
Connecticut	Boston, Mass.	Hartford	North Carolina	Atlanta, Ga.	Charlotte, Greens- boro, Raleigh
Delaware	Chambersburg, Pa.	Philadelphia, Pa.	North Dakota	Kansas City, Mo.	Sioux Falls, S. Dak.
District of Columbia	Chambersburg, Pa.	College Park, Md.	Ohio	Cleveland	Cincinnati, Cleve- land, Columbus
Florida	Atlanta, Ga.	Jacksonville, Miami, North Miami, Tampa	Oklahoma	Dallas, Tex.	Oklahoma City, Tulsa
Georgia	Atlanta	Atlanta, Columbus, Hapeville, Savannah	Oregon	San Francisco, Calif.	Portland
Hawaii	San Francisco, Calif.	Honolulu	Penusylvania	Chambersburg	Harrisburg, McKeesport, Philadelphia, Pittsburgh, Wilkes-Barre
Idaho	San Francisco, Calif.	Portland, Oreg.	Rhode Island	Boston, Mass.	Providence
Illinois	Chicago	Chicago, Spring- field	South Carolina	Atlanta, Ga.	Columbia
Indiana	Chicago, Ill.	Indianapolis, South Bend	South Dakota	Kansas City, Mo.	Sioux Falls
Iowa	Kansas City, Mo.	Des Moines	Tennessee	Nashville	Knoxville, Mem- phis, Nashville
Kansas	Kansas City, Mo.	Wichita	Texas	Dallas	Corpus Christi, Dallas, El Paso, Fort Worth, Houston, San Antonio, Waco
Kentucky	Nashville, Tenn.	Lexington, Louisville	Utah	San Francisco, Calif.	Salt Lake City
Louisiana	Birmingham, Ala.	Baton Rouge, New Orleans, Shreveport	Vermont	Boston, Mass.	Springfield, Mass.
Maine	Boston, Mass.	Portland	Virginia	Nashville, Tenn.	Richmond, Roanoke
Maryland	Chambersburg, Pa.	Baltimore, College Park	Washington	San Francisco, Calif.	Seattle
Massachusetts	Boston	Boston, Spring- field	West Virginia	Nashville, Tenn.	Charleston, Clarksburg
Michigan	Cleveland, Ohio	Detroit, Grand Rapids	Wisconsin	Chicago, Ill.	Madison, Milwaukee
Minnesota	Chicago, Ill.	Minneapolis	Wyoming	Kansas City, Mo.	Denver, Colo.
Mississippi	Birmingham, Ala.	Jackson	Puerto Rico	Santurce, P.R.	Mayaguez, P.R.
Missouri	Kansas City	Kansas City, St. Louis	Canal Zone	} Santurce, P.R.	
Montana	San Francisco, Calif.	Seattle, Wash.	Virgin Islands		
			Guam	} San Francisco, Calif.	Honolulu, Hawaii
			Wake Island		
			American Samoa		

*Field station.